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CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that this paper and documents and/or fees referred to herein as transmitted, submitted or enclosed are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, Alexandria, VA 22313-1450 on the date indicated below.

Name: Kenneth J. Davis

Signature: 

Date April 25, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Vaughen

:

:

: Attorney Docket No.:

:

Serial No.: 10/749,345

: 060960-5009

:

Filed: December 30, 2003

: Group Art Unit: 3733

:

For: RESORBABLE SURGICAL FIXATION
DEVICE

: Examiner: Cumberledge, Jerry L.

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This Response to the Restriction Requirement responds to the Restriction Requirement mailed on March 27, 2007, in the above-captioned application. This response is being timely filed within the one month shortened statutory period for reply.

Responsive to the Restriction Requirement, Applicant hereby elects to prosecute the claims of Group I, claims 1-45 and 52-63, drawn to a device. This election is made without traverse and without prejudice to the inclusion of the same or different subject matter of the non-elected claims in any later filed divisional or continuation application.

Applicant further elects Species A: Fig. 2 and identifies the following claims readable thereon: 1-8, 13-25, 30-33, 35-45 and 52-63. This election is made without traverse and without

prejudice to the inclusion of the same or different subject matter of the non-elected claims in any later filed divisional or continuation application.

The Applicant asserts that all of the claims identified above as readable on Species A: Fig. 2 are generic in that each identified claim reads on the elected species and at least one other identified species. Upon the allowance of a generic claim Applicant will expect consideration of the non-elected species.

Respectfully submitted,

April 25, 2007

By: 

Kenneth J. Davis
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April 25, 2007

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/749,345 for
RESORBABLE SURGICAL FIXATION DEVICE
Our File No.: 060960-5009 US

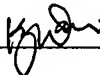
Dear Sir:

Enclosed for filing in connection with the above-referenced application are the following:

1. Response to Restriction Requirement (2 pages total); and
2. Self-addressed post card.

CERTIFICATE OF MAILING UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

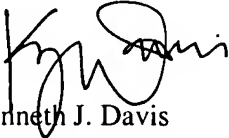
Name Kenneth J. Davis Signature  Date: April 25, 2007

April 25, 2007
Page 2

Morgan Lewis
C O U N S E L O R S A T L A W

Kindly acknowledge receipt of these documents by returning the enclosed self-addressed, stamped postcard to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kenneth J. Davis", written over the printed name.

Kenneth J. Davis
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